
**Select Committee on
Environmental Health**

HB 2800

Brief Description: Regarding the use and disposal of mercury-added products.

Sponsors: Representatives Chase, Hunt, Eickmeyer, Wood and Goodman.

Brief Summary of Bill

- Requires the recycling of fluorescent lamps by January 1, 2010 for all state-funded public agency facilities and by January 1, 2011 for all commercial, industrial, and retail facilities and office buildings.
- Prohibits the sale or purchase of bulk mercury, beginning June 30, 2009.
- Regulates the manufacture, sale and disposal of mercury-added products.
- Requires the Department of Ecology to report findings and recommendations for implementing and financing a recycling program for fluorescent lamps to the Legislature by December 1, 2008.

Hearing Date: 1/30/08

Staff: Ashley Pedersen (786-7303).

Background:

Mercury is a persistent, bioaccumulative toxin that can damage the central nervous and cardiovascular systems in humans. Mercury-added products, when broken or improperly disposed of, can release mercury into the environment. Mercury pollution also comes from land-filling, incinerating, or flushing down the drain a variety of consumer products; mining; coal-powered plant emissions; refineries; municipal sewage plants; and other sources. Mercury discharged to land, air, or water can eventually find its way to lakes, rivers, and the ocean, where it settles into

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sediments. By focusing on better waste disposal, management, and recycling, mercury pollution can be greatly reduced.

The 2000 Legislature directed the Department of Ecology (Department) to develop a proposed long-term strategy to address persistent, bioaccumulative and toxic (PBT) chemicals in Washington, which was presented to the Legislature in 2001. The 2001 Legislature directly appropriated \$800,000 from the State Toxics Control Account specifically for the implementation of the strategy. Both the Department and the Environmental Protection Agency have identified mercury as the number one PBT priority.

During the 2002 session, the Legislature earmarked the \$800,000 for the Department to develop a chemical action plan for mercury. The Mercury Chemical Action Plan was published in February 2003. The plan describes elements of a campaign to virtually eliminate the use and release of human-caused mercury in Washington.

Washington started implementing a mercury reduction chemical action plan in 2003. Also in 2003, the Legislature passed the Mercury Education Reduction Act, which mandates the reduced use of mercury in consumer products and in some cases the elimination of mercury-containing products.

Mercury-added lamps in particular have been identified as a major source of mercury, which can be released during improper disposal. While the harmful effects of mercury have been identified, the state has not taken steps to prevent mercury-added products, including mercury-added lamps, from being disposed of in landfills. Many Washington counties, however, have recognized the harmful effects of disposal of mercury-added lamps in waste facilities and have put lamp disposal bans or limitations in place. The rate of recycling of mercury-added lamps has been low in recent years, only about 20 percent of all fluorescent lamps are recycled each year in Washington, while the remaining 80 percent continue to be disposed of in solid waste facilities.

Summary of Bill:

Recycling Fluorescent Lamps

Beginning January 1, 2010 all state-funded public agency facilities, including learning institutions, must recycle their fluorescent lamps.

Beginning January 1, 2011 all commercial, industrial, and retail facilities and office buildings must recycle their fluorescent lamps.

Bulk Mercury

Beginning June 30, 2009 the sale or purchase of bulk mercury, including sales through the internet or sales by private parties, is prohibited. This prohibition does not apply to sales to research facilities or industrial facilities that provide products or services.

The research facilities or industrial facilities must submit an annual inventory of their purchase and use of bulk mercury to the Department.

Mercury-Added Products

Beginning January 1, 2009 the manufacture, wholesale, or retail of any mercury-added product is prohibited if a safer and environmentally benign alternative exists.

Beginning January 1, 2012 a person may not dispose of mercury-added products in a manner other than by recycling or disposal as hazardous waste.

Beginning January 1, 2012 a person may not discharge mercury into water, wastewater treatment, or wastewater disposal systems. This subsection applies to reagents, medications, amalgam, and other mixtures that contain mercury.

Beginning January 1, 2012 mercury-added products may only be disposed of in a hazardous waste disposal or recycling facility approved by the Department.

Solid waste management facilities must post signs at the facility providing notice of the prohibition of the disposal and incineration of mercury-added products. Written notification must be provided to facility's customers regarding the prohibition on the disposal and incineration of mercury-added products. The Department will determine how often this notification must be provided. Facilities must implement procedures approved by the Department for periodically monitoring incoming wastes to detect the presence of mercury-added products.

Cosmetics

Cosmetics and pharmaceutical products that are subject to the regulatory requirements relating to mercury of the Federal Food and Drug Administration are exempt the requirements and prohibitions in this bill.

Penalty

A violation of these above listed prohibitions is punishable by a civil penalty not to exceed \$1,000 for the first violation and \$5,000 for subsequent offenses. Households are exempt from the penalties under this section.

Department of Ecology

The Department must make every effort to educate all persons regarding the requirements of this chapter. The Department consults with the solid waste advisory committee and stakeholders to conduct research and develop recommendations for implementing and financing a fluorescent lamp recycling program.

The Department must identify and evaluate existing lamp recycling programs and encourage new pilot projects for lamp recycling, particularly those programs that exist in counties that prohibit the disposal of fluorescent lamps in solid waste facilities. It must also examine existing programs and infrastructure for reuse and recycling of fluorescent lamps and develop a description of what could be accomplished voluntarily and what would require regulation or legislation if needed to implement the recommended statewide recycling program. The Department must develop and assess ways to establish and finance a statewide recycling program for fluorescent lamps and develop recommendations to address recycling services and financing options for charities, school districts, government agencies, and small businesses.

The Department must report its findings and recommendations for implementing and financing a recycling program for fluorescent lamps to the appropriate committees of the Legislature by December 1, 2008.

Appropriation: None.

Fiscal Note: Requested on January 25, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.